IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.76620-M of 2006

DATE OF DECISION: FEBRUARY 9, 2007

Sher Singh and others

...PETITIONERS

VERSUS

State of Haryana and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. R.M.Singh, Advocate,
for the petitioners.
Mr.S.S.Mor, Sr.DAG, Haryana.
Mr.Ashit Malik and
Mr.Ajit Atri, Advocates, for the complainant.

...

The petitioners apprehending their arrest in a non-bailable offence in complaint case titled "Dharmo vs. Sher Singh and others" registered under Sections 304-B/406/498-A IPC, pending in the Court of JMIC, Karnal, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 7, 2006, the arrest of the petitioners was stayed subject to the condition that they will appear before the trial court and furnish their regular bail bonds to its satisfaction.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that in a complaint filed by the mother of deceased Sushma, the petitioners, who are brothers-in-law of the deceased and their wives, have been summoned for an offence under Sections 304-B/406/498-A IPC vide summoning order dated 9.10.2006 passed by the JMIC, Karnal. Counsel contends that in this case it has been alleged that after the death of Satpal, the husband of deceased Sushma 11 months prior to the filing of the complaint, she was being harassed for performing her Kareva marriage with petitioner No.3. Counsel further

contends that after the death of Sushma, her brother got lodged FIR No.251 dated 14.9.2003 under Sections 302/147/149 IPC at Police Station Nissing District Karnal, alleging therein that his sister was murdered by the petitioners and their other family members. In the said FIR, detailed investigation was conducted and ultimately the allegations were found to be false and police submitted a cancellation report to the court, which was accepted by the Judicial Magistrate. Counsel contends that on the contrary, on the instant complaint filed by the mother of deceased Sushma, the petitioners have been summoned in the aforesaid case. Counsel contends that all the family members have been falsely implicated. Actually, the deceased after the death of her husband was under depression and she herself committed suicide. It was so found by the police during the investigation of the aforesaid FIR.

Counsel for the petitioners further contends that in terms of the interim order dated December 7, 2006, the petitioners had appeared before the trial Court and furnished their regular bail bonds which have been accepted and since then they are regularly appearing. These facts have not been disputed by the State counsel and he further states that the petitioners are no more required for further investigation.

In view of the above, the interim order dated December 7, 2006 is made absolute on the same terms and conditions.

Disposed of accordingly.

February 9, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE